

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

U.S. DISTRICT COURT  
CLERK  
00 APR 13 PM 4:03  
FILED-EDS

MARION DUNCAN and AARON  
WILLIAMS, as individuals,

Plaintiffs,

v.

THE CITY OF NORTH CHICAGO, a  
Municipal Corporation, ELISHA IRVIN, JR.,  
Chief of Police of the North Chicago Police  
Department, and MELVIN BROWN,  
RANDALL PRICE, MARK RUMMEL,  
KURTIS NASH, GLEN FORD, BRIAN  
AMILCAR, CASIMIR RINCON,  
NAZARRIO VILLASENOR, and GERARD  
WADE, all as individuals and in their official  
capacity as North Chicago Police officers,

Defendants.

**00C 2293**

NO. \_\_\_\_\_

**DOCKETED**

(Circuit Court of the Nineteenth  
Judicial Circuit, Lake County, Illinois  
Case. No. 00 L 110)

**APR 14 2000**

**JUDGE LEINENWEBER**

**MAGISTRATE JUDGE ROSEMOND**

**JOINT NOTICE OF REMOVAL**

Defendants, the City of North Chicago, Elisha Irvin, Jr., Melvin Brown, Randall Price, Mark Rummel, Kurtis Nash, Glen Ford, Brian Amilcar, Casimir Rincon, Nazarrio Villasenor, and Gerard Wade, by their attorneys, hereby file this Notice of Removal of the above-captioned action from the Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois, where the action is now pending, to the United States District Court for the Northern District of Illinois as provided by 28 U.S.C. § § 1441 and 1446. In support of this Notice, Defendants state:

1. On February 3, 2000, plaintiffs initiated this action by filing a complaint, Case No. 00 L 110, in the Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois. In that complaint, plaintiffs seek damages for an alleged violation of their rights under 42 U.S.C. § 1983 and for alleged battery. Plaintiffs served the complaint on all the Defendants on March 14, 2000.

2. The above-described action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1331, and is one which may be removed to the Court by Defendants pursuant to 28 U.S.C. § 1441 because it is a civil action founded on a claim or right arising under the laws of the United States.

3. This Notice of Removal is filed within 30 days of Defendants' receipt of formal service of the complaint, and is therefore timely filed pursuant to 28 U.S.C. § 1446(b). *See Murphy Bros. Inc. v. Michetti Pipe Stringing, Inc.*, 119 S. Ct. 1322 (1999).

4. All named Defendants consent to this Notice of Removal.

5. Pursuant to 28 U.S.C. § 1446(a), Defendants attach hereto as Exhibit 1 a copy of the complaint in this action. No other process, pleadings, or orders have been served upon or delivered to Defendants.


6. Written notice of the filing of this Notice of Removal will be given promptly to all adverse parties, and a copy of this Notice of Removal will be filed with the Clerk of the Circuit Court of the Nineteenth Judicial Circuit, Lake County, as required by 28 U.S.C. § 1446.

7. By filing this Notice of Removal, Defendants do not waive any defense that may be available to them.

**WHEREFORE**, the City of North Chicago, Elisha Irvin, Jr., Melvin Brown, Randall Price, Mark Rummel, Kurtis Nash, Glen Ford, Brian Amilcar, Casimir Rincon, Nazario Villasenor, and Gerard Wade respectfully remove this case to the United States District Court for the Northern District of Illinois.

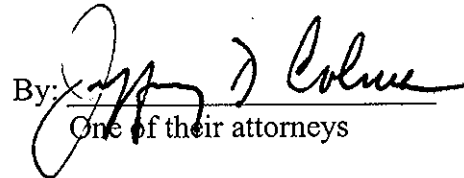
RESPECTFULLY SUBMITTED,

THE CITY OF NORTH CHICAGO and  
ELISHA IRVIN, JR.

By:   
One of their attorneys

Steven M. Puiszis  
Robert Shannon  
HINSHAW & CULBERTSON  
222 N. LaSalle Street Suite 300  
Chicago, Illinois 60601  
(312) 704-3000

MELVIN BROWN, RANDALL PRICE,  
MARK RUMMEL, KURTIS NASH, GLEN  
FORD, BRIAN AMILCAR, CASIMIR  
RINCON, NAZARIO VILLASENOR, and  
GERARD WADE

By:   
One of their attorneys

Jeffrey D. Colman  
Deborah R. Alexander  
JENNER & BLOCK  
One IBM Plaza  
Chicago, IL 60611  
(312) 222-9350

Dated: April 13, 2000

437742

# EXHIBIT 1

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF LAKE )

**NOTICE**  
BY LOCAL RULE 3.12  
THIS CASE IS SET FOR A SCHEDULING  
CONFERENCE IN COURTROOM C32 ON 6-15  
2000, AT 9 AM PM. FAILURE TO APPEAR MAY RESULT  
IN THE CASE BEING DISMISSED OR AN ORDER OF DEFAULT  
BEING ENTERED.

IN THE CIRCUIT COURT OF THE NINETEENTH  
JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

MARION DUNCAN and AARON WILLIAMS,  
as individuals,

Plaintiffs,

Vs.

THE CITY OF NORTH CHICAGO, A  
Municipal Corporation, ELISHA IRVIN, JR.,  
Chief of Police of the North Chicago Police  
Department, and MELVIN BROWN,  
RANDALL PRICE, MARK  
RUMMEL, KURTIS NASH, GLEN FORD,  
BRIAN AMILCAR, CASIMIR RINCON,  
NAZARRIO VILLASENOR, and GERARD  
WADE, all as individuals and in their official  
capacity as North Chicago Police  
officers,

Defendants.

GEN. NO. 00 171

F I L E  
FEB 03 2000

CIRCUIT CLERK

COMPLAINT AT LAW

NOW COME the PLAINTIFFS, MARION DUNCAN and AARON WILLIAMS, by and through their attorneys, MORRISON AND MORRISON P.C., and in support of their complaint at law against THE CITY OF NORTH CHICAGO, A Municipal Corporation, ELISHA IRVIN, Chief of Police of the North Chicago Police Department, MELVIN BROWN, RANDALL PRICE, MARK RUMMEL, KURTIS NASH, GLEN FORD, BRIAN AMILCAR, CASIMIR RINCON, NAZARRIO VILLASENOR, and GERARD WADE, as individuals and in their official capacity as North Chicago Police officers, state as follows:

**COUNT I - MARION DUNCAN V. MELVIN BROWN**

**(VIOLATION OF TITLE 42, SECTION 1983 OF THE UNITED STATES CODE)**

1. Plaintiff Marion Duncan is an African-American male, citizen of the United States of America and resident of the City of North Chicago, County of Lake, State of Illinois.

2. Defendant Melvin Brown is now, and at all times material to this action was, a duly appointed, employed, and acting police officer of the City of North Chicago, a municipal corporation and governmental subdivision of the State of Illinois.

3. This action arises under the United States Constitution, particularly under the provisions of the Fourth, Sixth, and Fourteenth Amendments to the Constitution of the United States, and under federal law, particularly the Civil Rights Act, Title 42 of the United States Code, Section 1983.

4. Each and all of the acts of defendant Melvin Brown alleged herein were done by defendant Melvin Brown, not as an individual, but under the color and pretense of the Statutes, ordinances, regulations, customs, and usages of the State of Illinois, the County of Lake, and the City of North Chicago, and under authority of their office as police officers for the City of North Chicago.

5. On or about May 23, 1999, at approximately 10:15 p.m., plaintiff Marion Duncan was lawfully operating a 1988 red Buick Regal, traveling northbound on Grove street, in the City of North Chicago, Illinois.

6. At approximately the same date, time, and location, defendant Melvin Brown, pursuant to his regular and official employment as a patrol officer for the City of North Chicago, was operating a marked police vehicle owned and maintained by the City of

North Chicago for the use and benefit of the North Chicago Police Department.

7. Defendant Brown then signaled plaintiff Duncan to stop his vehicle by activating his overhead lights, which plaintiff did in the 2000 block of Grove, in response to the evident authority of defendant Brown.

8. Plaintiff Duncan, after pulling his vehicle to the side of the road, began to exit his vehicle.

9. Defendant Brown, who at all times was wearing official uniform, insignia, and badge of the North Chicago Police Department, commanded Mr. Duncan to return to his vehicle.

10. Plaintiff Duncan immediately complied with this request and sat in the front seat of his vehicle.

11. Defendant Brown then approached Mr. Duncan while he was seated in his vehicle, asked him to get out of his vehicle, grabbed his body with his hands, and kicked him in the legs causing Mr. Duncan to fall to the ground.

12. Defendant Brown then called for more officers to come to the scene. Defendants Price, Rummel, Nash, Ford, and Amilcar arrived on the scene, and while Mr. Duncan was on the ground, he was repeatedly struck in the head, face and back area by Officer Brown and the other officers on the scene.

13. Mr. Duncan was then placed into handcuffs, taken into custody of the police, and transported to the North Chicago Police Department.

14. Neither defendant Brown nor the other officers ever informed Mr. Duncan why he was being detained.

15. Defendant Melvin Brown did not have an arrest warrant for Mr. Duncan, did not have probable cause or a reasonable suspicion to believe that Mr. Duncan had committed, was committing or was about to commit any crimes or traffic violations, and did not otherwise have probable cause to stop, detain, and arrest Mr. Duncan.

16. The aforesaid force used by Officer Brown was excessive and unreasonable under the circumstances.

17. As a direct and proximate result of the excessive and unreasonable force used by defendant Melvin Brown, Mr. Duncan suffered injuries to his body, including, but not limited to, facial lacerations, facial fractures, facial contusions, other head and neck injuries, and contusions to his body.

18. As a direct and proximate result of the excessive and unreasonable force used by defendant Melvin Brown, plaintiff Duncan was unable to attend to his duties as electrician for Cherry Electric for a period of time, and sustained damages for loss of earnings during that time.

19. The conduct of the defendant Melvin Brown deprived plaintiff Duncan of the following rights, privileges, and immunities secured to him by the Constitution of the United States of America:

A. The right of plaintiff to be secure in his person and effects against unreasonable search and seizure under the Fourth and Fourteenth Amendments to the Constitution of the United States;

B. The right of Plaintiff to be informed of the nature and cause of the accusation against him, secured to him under the Sixth and Fourteenth Amendments to



the Constitution of the United States, and;

C. The right of Plaintiff not to be deprived of life, liberty or property without Due Process of Law, and the right to the equal protection of laws, secured by the Fourteenth Amendment to the Constitution of the United States.

20. The acts, conduct, and behavior of defendant Melvin Brown were performed intentionally, maliciously, and with reckless or callous disregard for the rights of plaintiff Duncan, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Marion Duncan, individually, hereby demands judgement against Melvin Brown, individually and in his official capacity as a police officer for the City of North Chicago, for compensatory and punitive damages in excess of \$50,000.00, together with the costs of this action and any other relief this court deems just and proper.

**COUNT II - MARION DUNCAN V. MELVIN BROWN**

**(BATTERY)**

1. Plaintiff Marion Duncan is a resident of the City of North Chicago, County of Lake, State of Illinois.

2. Defendant Melvin Brown is now, and at all times material to this action was, a duly appointed, employed, and acting police officer of the City of North Chicago, a municipal corporation and governmental subdivision of the State of Illinois.

3. On or about May 23, 1999, at approximately 10:15 p.m., plaintiff Marion Duncan was lawfully operating a 1988 red Buick Regal, traveling northbound on Grove street, in the City of North Chicago, Illinois.

4. At approximately the same date, time, and location, defendant Melvin Brown, pursuant to his regular and official employment as a patrol officer for the City of North Chicago, was operating a marked police vehicle owned and maintained by the City of North Chicago for the use and benefit of the North Chicago Police Department.

5. Defendant Brown then signaled plaintiff Duncan to stop his vehicle by activating his overhead lights, which plaintiff did in the 2000 block of Grove, in response to the evident authority of defendant Brown.

6. Plaintiff Duncan, after pulling his vehicle to the side of the road, began to exit his vehicle.

7. Defendant Brown, who at all times was wearing official uniform, insignia, and badge of the North Chicago Police Department, commanded Mr. Duncan to return to his vehicle.

8. Plaintiff Duncan immediately complied with this request and sat in the front seat of his vehicle.

9. Defendant Brown then approached Mr. Duncan while he was seated in his vehicle, asked him to get out of his vehicle, grabbed his body with his hands, and kicked him in the legs causing Mr. Duncan to fall to the ground.

10. Defendant Brown then called for more officers to come to the scene. Defendants Price, Rummel, Nash, Ford, and Amilcar arrived on the scene.

11. While Mr. Duncan was on the ground, Officer Melvin Brown, without lawful justification and against the will of Marion Duncan, intentionally struck Mr. Duncan in the head, face and body area.

12. The aforesaid force used by Officer Brown was excessive and unreasonable under the circumstances.

18. As a direct and proximate result of foregoing unlawful physical contact used by defendant Melvin Brown, Mr. Duncan suffered injuries to his body, including, but not limited to, facial lacerations, facial fractures, facial contusions, other head and neck injuries, and contusions to his body.

19. As a direct and proximate result of the foregoing unlawful physical contact used by defendant Melvin Brown, plaintiff Duncan was unable to attend to his duties as electrician for Cherry Electric for a period of time, and sustained damages for loss of earnings during that time.

20. The acts, conduct, and behavior of defendant Melvin Brown were performed intentionally, maliciously, and with reckless or callous disregard for the rights of plaintiff Duncan, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Marion Duncan, individually, hereby demands judgement against Melvin Brown, individually and in his official capacity as a police officer for the City of North Chicago, for compensatory and punitive damages in excess of \$50,000.00, together with the costs of this action and any other relief this court deems just and proper.

**COUNT III - MARION DUNCAN V. RANDALL PRICE**

**(VIOLATION OF TITLE 42, SECTION 1983 OF THE UNITED STATES CODE)**

1. Plaintiff Marion Duncan is an African-American male, citizen of the United States of America and resident of the City of North Chicago, County of Lake, State of Illinois.

2. Defendant Randall Price is now, and at all times material to this action was, a duly appointed, employed, and acting police officer of the City of North Chicago, a municipal corporation and governmental subdivision of the State of Illinois.

3. This action arises under the United States Constitution, particularly under the provisions of the Fourth, Sixth, and Fourteenth Amendments to the Constitution of the United States, and under federal law, particularly the Civil Rights Act, Title 42 of the United States Code, Section 1983.

4. Each and all of the acts of defendant Randall Price alleged herein were done by defendant Randall Price, not as an individual, but under the color and pretense of the Statutes, ordinances, regulations, customs, and usages of the State of Illinois, the County of Lake, and the City of North Chicago, and under authority of their office as police officers for the City of North Chicago.

5. On or about May 23, 1999, defendant Melvin Brown, in relation to his official duties as police officer for the City of North Chicago, performed a traffic stop on a vehicle driven by plaintiff Marion Duncan on Grove street, in the City of North Chicago, Illinois.

6. Defendant <sup>1</sup>Brown then approached Mr. Duncan while he was seated in his vehicle, asked him to get out of his vehicle, grabbed his body with his hands, and kicked him in the legs causing Mr. Duncan to fall to the ground.

7. Defendant Brown then called for more officers to come to the scene. Defendants Price, Rummel, Nash, Ford, and Amilcar arrived on the scene, and while Mr. Duncan was on the ground, he was repeatedly struck in the head, face and back area by Officer Price and the other officers on the scene.

8. Mr. Duncan was then placed into handcuffs, taken into custody of the police, and transported to the North Chicago Police Department.

9. Neither defendant Price nor the other officers ever informed Mr. Duncan why he was being detained.

10. Defendant Randall Price did not have an arrest warrant for Mr. Duncan, did not have probable cause or a reasonable suspicion to believe that Mr. Duncan had committed, was committing or was about to commit any crimes or traffic violations, and did not otherwise have probable cause to stop, detain, and arrest Mr. Duncan.

11. The aforesaid force used by Officer Price was excessive and unreasonable under the circumstances.

12. As a direct and proximate result of the excessive and unreasonable force used by defendant Randall Price, Mr. Duncan suffered injuries to his body, including, but not limited to, facial lacerations, facial fractures, facial contusions, other head and neck injuries, and contusions to his body.

13. As a direct and proximate result of the excessive and unreasonable force used by defendant Randall Price, plaintiff Duncan was unable to attend to his duties as electrician for Cherry Electric for a period of time, and sustained damages for loss of earnings during that time.

14. The conduct of the defendant Randall Price deprived plaintiff Duncan of the following rights, privileges, and immunities secured to him by the Constitution of the United States of America:

A. The right of plaintiff to be secure in his person and effects against

unreasonable search and seizure under the Fourth and Fourteenth Amendments to the Constitution of the United States;

B. The right of Plaintiff to be informed of the nature and cause of the accusation against him, secured to him under the Sixth and Fourteenth Amendments to the Constitution of the United States, and;

C. The right of Plaintiff not to be deprived of life, liberty or property without Due Process of Law, and the right to the equal protection of laws, secured by the Fourteenth Amendment to the Constitution of the United States.

15. The acts, conduct, and behavior of defendant Randall Price were performed intentionally, maliciously, and with reckless or callous disregard for the rights of plaintiff Duncan, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Marion Duncan, individually, hereby demands judgement against Randall Price, individually and in his official capacity as a police officer for the City of North Chicago, for compensatory and punitive damages in excess of \$50,000.00, together with the costs of this action and any other relief this court deems just and proper.

**COUNT IV - MARION DUNCAN V. RANDALL PRICE**

**(BATTERY)**

1. Plaintiff Marion Duncan is a resident of the City of North Chicago, County of Lake, State of Illinois.

2. Defendant Randall Price is now, and at all times material to this action was, a duly appointed, employed, and acting police officer of the City of North Chicago, a

municipal corporation and governmental subdivision of the State of Illinois.

3. On or about May 23, 1999, defendant Melvin Brown, acting in his official capacity as a patrol officer for the City of North Chicago, performed a traffic stop on a vehicle driven by plaintiff Marion Duncan on Grove street, in the City of North Chicago, Illinois.

4. Defendant Brown then approached Mr. Duncan while he was seated in his vehicle, asked him to get out of his vehicle, grabbed his body with his hands, and kicked him in the legs causing Mr. Duncan to fall to the ground.

5. Defendant Brown then called for more officers to come to the scene. Defendants Price, Rummel, Nash, Ford, and Amilcar arrived on the scene.

6. While Mr. Duncan was on the ground, Officer Randall Price, without lawful justification and against the will of Marion Duncan, intentionally struck Mr. Duncan in the head, face and body area.

7. The aforesaid force used by Officer Price was excessive and unreasonable under the circumstances.

8. As a direct and proximate result of foregoing unlawful physical contact used by defendant Randall Price, Mr. Duncan suffered injuries to his body, including, but not limited to, facial lacerations, facial fractures, facial contusions, other head and neck injuries, and contusions to his body.

9. As a direct and proximate result of the foregoing unlawful physical contact used by defendant Randall Price, plaintiff Duncan was unable to attend to his duties as electrician for Cherry Electric for a period of time, and sustained damages for loss of earnings during that time.

10. The acts, conduct, and behavior of defendant Randall Price were performed intentionally, maliciously, and with reckless or callous disregard for the rights of plaintiff Duncan, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Marion Duncan, individually, hereby demands judgement against Randall Price, individually and in his official capacity as a police officer for the City of North Chicago, for compensatory and punitive damages in excess of \$50,000.00, together with the costs of this action and any other relief this court deems just and proper.

**COUNT V - MARION DUNCAN V. MARK RUMMEL**

**(VIOLATION OF TITLE 42, SECTION 1983 OF THE UNITED STATES CODE)**

1. Plaintiff Marion Duncan is an African-American male, citizen of the United States of America and resident of the City of North Chicago, County of Lake, State of Illinois.

2. Defendant Mark Rummel is now, and at all times material to this action was, a duly appointed, employed, and acting police officer of the City of North Chicago, a municipal corporation and governmental subdivision of the State of Illinois.

3. This action arises under the United States Constitution, particularly under the provisions of the Fourth, Sixth, and Fourteenth Amendments to the Constitution of the United States, and under federal law, particularly the Civil Rights Act, Title 42 of the United States Code, Section 1983.

4. Each and all of the acts of defendant Mark Rummel alleged herein were done by defendant Mark Rummel, not as an individual, but under the color and pretense of the Statutes, ordinances, regulations, customs, and usages of the State of Illinois, the County



of Lake, and the City of North Chicago, and under authority of their office as police officers for the City of North Chicago.

5. On or about May 23, 1999, defendant Melvin Brown, in relation to his official duties as police officer for the City of North Chicago, performed a traffic stop on a vehicle driven by plaintiff Marion Duncan on Grove street, in the City of North Chicago, Illinois.

6. Defendant Brown then approached Mr. Duncan while he was seated in his vehicle, asked him to get out of his vehicle, grabbed his body with his hands, and kicked him in the legs causing Mr. Duncan to fall to the ground.

7. Defendant Brown then called for more officers to come to the scene. Defendants Price, Rummel, Nash, Ford, and Amilcar arrived on the scene, and while Mr. Duncan was on the ground, he was repeatedly struck in the head, face and back area by Officer Rummel and the other officers on the scene.

8. Mr. Duncan was then placed into handcuffs, taken into custody of the police, and transported to the North Chicago Police Department.

9. Neither defendant Rummel nor the other officers ever informed Mr. Duncan why he was being detained.

10. Defendant Mark Rummel did not have an arrest warrant for Mr. Duncan, did not have probable cause or a reasonable suspicion to believe that Mr. Duncan had committed, was committing or was about to commit any crimes or traffic violations, and did not otherwise have probable cause to stop, detain, and arrest Mr. Duncan.

11. The aforesaid force used by Officer Rummel was excessive and unreasonable under the circumstances.

12. As a direct and proximate result of the excessive and unreasonable force used by defendant Mark Rummel, Mr. Duncan suffered injuries to his body, including, but not limited to, facial lacerations, facial fractures, facial contusions, other head and neck injuries, and contusions to his body.

13. As a direct and proximate result of the excessive and unreasonable force used by defendant Mark Rummel, plaintiff Duncan was unable to attend to his duties as electrician for Cherry Electric for a period of time, and sustained damages for loss of earnings during that time.

14. The conduct of the defendant Mark Rummel deprived plaintiff Duncan of the following rights, privileges, and immunities secured to him by the Constitution of the United States of America:

A. The right of plaintiff to be secure in his person and effects against unreasonable search and seizure under the Fourth and Fourteenth Amendments to the Constitution of the United States;

B. The right of Plaintiff to be informed of the nature and cause of the accusation against him, secured to him under the Sixth and Fourteenth Amendments to the Constitution of the United States, and;

C. The right of Plaintiff not to be deprived of life, liberty or property without Due Process of Law, and the right to the equal protection of laws, secured by the Fourteenth Amendment to the Constitution of the United States.

15. The acts, conduct, and behavior of defendant Mark Rummel were performed intentionally, maliciously, and with reckless or callous disregard for the rights of plaintiff

Duncan, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Marion Duncan, individually, hereby demands judgement against Mark Rummel, individually and in his official capacity as a police officer for the City of North Chicago, for compensatory and punitive damages in excess of \$50,000.00, together with the costs of this action and any other relief this court deems just and proper.

**COUNT VI - MARION DUNCAN V. MARK RUMMEL**

**(BATTERY)**

1. Plaintiff Marion Duncan is a resident of the City of North Chicago, County of Lake, State of Illinois.

2. Defendant Mark Rummel is now, and at all times material to this action was, a duly appointed, employed, and acting police officer of the City of North Chicago, a municipal corporation and governmental subdivision of the State of Illinois.

3. On or about May 23, 1999, defendant Melvin Brown, acting in his official capacity as a patrol officer for the City of North Chicago, performed a traffic stop on a vehicle driven by plaintiff Marion Duncan on Grove street, in the City of North Chicago, Illinois.

4. Defendant Brown then approached Mr. Duncan while he was seated in his vehicle, asked him to get out of his vehicle, grabbed his body with his hands, and kicked him in the legs causing Mr. Duncan to fall to the ground.

5. Defendant Brown then called for more officers to come to the scene. Defendants Price, Rummel, Nash, Ford, and Amilcar arrived on the scene.

6. While Mr. Duncan was on the ground, Officer Mark Rummel, without lawful

justification and against the will of Marion Duncan, intentionally struck Mr. Duncan in the head, face and body area.

7. The aforesaid force used by Officer Rummel was excessive and unreasonable under the circumstances.

8. As a direct and proximate result of foregoing unlawful physical contact used by defendant Mark Rummel, Mr. Duncan suffered injuries to his body, including, but not limited to, facial lacerations, facial fractures, facial contusions, other head and neck injuries, and contusions to his body.

9. As a direct and proximate result of the foregoing unlawful physical contact used by defendant Mark Rummel, plaintiff Duncan was unable to attend to his duties as electrician for Cherry Electric for a period of time, and sustained damages for loss of earnings during that time.

10. The acts, conduct, and behavior of defendant Mark Rummel were performed intentionally, maliciously, and with reckless or callous disregard for the rights of plaintiff Duncan, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Marion Duncan, individually, hereby demands judgement against Mark Rummel, individually and in his official capacity as a police officer for the City of North Chicago, for compensatory and punitive damages in excess of \$50,000.00, together with the costs of this action and any other relief this court deems just and proper.

**COUNT VII - MARION DUNCAN V. KURTIS NASH**

**(VIOLATION OF TITLE 42, SECTION 1983 OF THE UNITED STATES CODE)**

1. Plaintiff Marion Duncan is an African-American male, citizen of the United States of America and resident of the City of North Chicago, County of Lake, State of Illinois.

2. Defendant Kurtis Nash is now, and at all times material to this action was, a duly appointed, employed, and acting police officer of the City of North Chicago, a municipal corporation and governmental subdivision of the State of Illinois.

3. This action arises under the United States Constitution, particularly under the provisions of the Fourth, Sixth, and Fourteenth Amendments to the Constitution of the United States, and under federal law, particularly the Civil Rights Act, Title 42 of the United States Code, Section 1983.

4. Each and all of the acts of defendant Kurtis Nash alleged herein were done by defendant Kurtis Nash, not as an individual, but under the color and pretense of the Statutes, ordinances, regulations, customs, and usages of the State of Illinois, the County of Lake, and the City of North Chicago, and under authority of their office as police officers for the City of North Chicago.

5. On or about May 23, 1999, defendant Melvin Brown, in relation to his official duties as police officer for the City of North Chicago, performed a traffic stop on a vehicle driven by plaintiff Marion Duncan on Grove street, in the City of North Chicago, Illinois.

6. Defendant Brown then approached Mr. Duncan while he was seated in his vehicle, asked him to get out of his vehicle, grabbed his body with his hands, and kicked him in the legs causing Mr. Duncan to fall to the ground.

7. Defendant Brown then called for more officers to come to the scene. Defendants Price, Rummel, Nash, Ford, and Amilcar arrived on the scene, and while Mr. Duncan was on the ground, he was repeatedly struck in the head, face and back area by Officer Nash and the other officers on the scene.

8. Mr. Duncan was then placed into handcuffs, taken into custody of the police, and transported to the North Chicago Police Department.

9. Neither defendant Nash nor the other officers ever informed Mr. Duncan why he was being detained.

10. Defendant Kurtis Nash did not have an arrest warrant for Mr. Duncan, did not have probable cause or a reasonable suspicion to believe that Mr. Duncan had committed, was committing or was about to commit any crimes or traffic violations, and did not otherwise have probable cause to stop, detain, and arrest Mr. Duncan.

11. The aforesaid force used by Officer Nash was excessive and unreasonable under the circumstances.

12. As a direct and proximate result of the excessive and unreasonable force used by defendant Kurtis Nash, Mr. Duncan suffered injuries to his body, including, but not limited to, facial lacerations, facial fractures, facial contusions, other head and neck injuries, and contusions to his body.

13. As a direct and proximate result of the excessive and unreasonable force used by defendant Curtis Nash, plaintiff Duncan was unable to attend to his duties as electrician for Cherry Electric for a period of time, and sustained damages for loss of earnings during that time.

14. The conduct of the defendant Kurtis Nash deprived plaintiff Duncan of the following rights, privileges, and immunities secured to him by the Constitution of the United States of America:

A. The right of plaintiff to be secure in his person and effects against unreasonable search and seizure under the Fourth and Fourteenth Amendments to the Constitution of the United States;

B. The right of Plaintiff to be informed of the nature and cause of the accusation against him, secured to him under the Sixth and Fourteenth Amendments to the Constitution of the United States, and;

C. The right of Plaintiff not to be deprived of life, liberty or property without Due Process of Law, and the right to the equal protection of laws, secured by the Fourteenth Amendment to the Constitution of the United States.

15. The acts, conduct, and behavior of defendant Kurtis Nash were performed intentionally, maliciously, and with reckless or callous disregard for the rights of plaintiff Duncan, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Marion Duncan, individually, hereby demands judgement against Kurtis Nash, individually and in his official capacity as a police officer for the City of North Chicago, for compensatory and punitive damages in excess of \$50,000.00, together with the costs of this action and any other relief this court deems just and proper.

**COUNT VIII - MARION DUNCAN V. KURTIS NASH**

**(BATTERY)**

1. Plaintiff Marion Duncan is a resident of the City of North Chicago, County of Lake, State of Illinois.
2. Defendant Kurtis Nash is now, and at all times material to this action was, a duly appointed, employed, and acting police officer of the City of North Chicago, a municipal corporation and governmental subdivision of the State of Illinois.
3. On or about May 23, 1999, defendant Melvin Brown, acting in his official capacity as a patrol officer for the City of North Chicago, performed a traffic stop on a vehicle driven by plaintiff Marion Duncan on Grove street, in the City of North Chicago, Illinois.
4. Defendant Brown then approached Mr. Duncan while he was seated in his vehicle, asked him to get out of his vehicle, grabbed his body with his hands, and kicked him in the legs causing Mr. Duncan to fall to the ground.
5. Defendant Brown then called for more officers to come to the scene. Defendants Price, Rummel, Nash, Ford, and Amilcar arrived on the scene.
6. While Mr. Duncan was on the ground, Officer Kurtis Nash, without lawful justification and against the will of Marion Duncan, intentionally struck Mr. Duncan in the head, face and body area.
7. The aforesaid force used by Officer Nash was excessive and unreasonable under the circumstances.
8. As a direct and proximate result of foregoing unlawful physical contact used by defendant Kurtis Nash, Mr. Duncan suffered injuries to his body, including, but not limited



to, facial lacerations, facial fractures, facial contusions, other head and neck injuries, and contusions to his body.

9. As a direct and proximate result of the foregoing unlawful physical contact used by defendant Kurtis Nash, plaintiff Duncan was unable to attend to his duties as electrician for Cherry Electric for a period of time, and sustained damages for loss of earnings during that time.

10. The acts, conduct, and behavior of defendant Kurtis Nash were performed intentionally, maliciously, and with reckless or callous disregard for the rights of plaintiff Duncan, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Marion Duncan, individually, hereby demands judgement against Kurtis Nash, individually and in his official capacity as a police officer for the City of North Chicago, for compensatory and punitive damages in excess of \$50,000.00, together with the costs of this action and any other relief this court deems just and proper.

**COUNT IX - MARION DUNCAN V. GLEN FORD**

**(VIOLATION OF TITLE 42, SECTION 1983 OF THE UNITED STATES CODE)**

1. Plaintiff Marion Duncan is an African-American male, citizen of the United States of America and resident of the City of North Chicago, County of Lake, State of Illinois.

2. Defendant Glen Ford is now, and at all times material to this action was, a duly appointed, employed, and acting police officer of the City of North Chicago, a municipal corporation and governmental subdivision of the State of Illinois.

3. This action arises under the United States Constitution, particularly under the

provisions of the Fourth, Sixth, and Fourteenth Amendments to the Constitution of the United States, and under federal law, particularly the Civil Rights Act, Title 42 of the United States Code, Section 1983.

4. Each and all of the acts of defendant Glen Ford alleged herein were done by defendant Glen Ford, not as an individual, but under the color and pretense of the Statutes, ordinances, regulations, customs, and usages of the State of Illinois, the County of Lake, and the City of North Chicago, and under authority of their office as police officers for the City of North Chicago.

5. On or about May 23, 1999, defendant Melvin Brown, in relation to his official duties as police officer for the City of North Chicago, performed a traffic stop on a vehicle driven by plaintiff Marion Duncan on Grove street, in the City of North Chicago, Illinois.

6. Defendant Brown then approached Mr. Duncan while he was seated in his vehicle, asked him to get out of his vehicle, grabbed his body with his hands, and kicked him in the legs causing Mr. Duncan to fall to the ground.

7. Defendant Brown then called for more officers to come to the scene. Defendants Price, Rummel, Nash, Ford, and Amilcar arrived on the scene, and while Mr. Duncan was on the ground, he was repeatedly struck in the head, face and back area by Defendant Glen Ford and the other officers on the scene.

8. Mr. Duncan was then placed into handcuffs, taken into custody of the police, and transported to the North Chicago Police Department.

9. Neither defendant Ford nor the other officers ever informed Mr. Duncan why he was being detained.

10. Defendant Ford did not have an arrest warrant for Mr. Duncan, did not have probable cause or a reasonable suspicion to believe that Mr. Duncan had committed, was committing or was about to commit any crimes or traffic violations, and did not otherwise have probable cause to stop, detain, and arrest Mr. Duncan.

11. The aforesaid force used by Defendant Glen Ford was excessive and unreasonable under the circumstances.

12. As a direct and proximate result of the excessive and unreasonable force used by defendant Glen Ford, Mr. Duncan suffered injuries to his body, including, but not limited to, facial lacerations, facial fractures, facial contusions, other head and neck injuries, and contusions to his body.

13. As a direct and proximate result of the excessive and unreasonable force used by defendant Glen Ford, plaintiff Duncan was unable to attend to his duties as electrician for Cherry Electric for a period of time, and sustained damages for loss of earnings during that time.

14. The conduct of the defendant Glen Ford deprived plaintiff Duncan of the following rights, privileges, and immunities secured to him by the Constitution of the United States of America:

A. The right of plaintiff to be secure in his person and effects against unreasonable search and seizure under the Fourth and Fourteenth Amendments to the Constitution of the United States;

B. The right of Plaintiff to be informed of the nature and cause of the accusation against him, secured to him under the Sixth and Fourteenth Amendments to

the Constitution of the United States, and;

C. The right of Plaintiff not to be deprived of life, liberty or property without Due Process of Law, and the right to the equal protection of laws, secured by the Fourteenth Amendment to the Constitution of the United States.

15. The acts, conduct, and behavior of defendant Glen Ford were performed intentionally, maliciously, and with reckless or callous disregard for the rights of plaintiff Duncan, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Marion Duncan, individually, hereby demands judgement against Glen Ford, individually and in his official capacity as a police officer for the City of North Chicago, for compensatory and punitive damages in excess of \$50,000.00, together with the costs of this action and any other relief this court deems just and proper.

**COUNT X - MARION DUNCAN V. GLEN FORD**

**(BATTERY)**

1. Plaintiff Marion Duncan is a resident of the City of North Chicago, County of Lake, State of Illinois.

2. Defendant Glen Ford is now, and at all times material to this action was, a duly appointed, employed, and acting police officer of the City of North Chicago, a municipal corporation and governmental subdivision of the State of Illinois.

3. On or about May 23, 1999, defendant Melvin Brown, acting in his official capacity as a patrol officer for the City of North Chicago, performed a traffic stop on a vehicle driven by plaintiff Marion Duncan on Grove street, in the City of North Chicago, Illinois.

4. Defendant Brown then approached Mr. Duncan while he was seated in his vehicle, asked him to get out of his vehicle, grabbed his body with his hands, and kicked him in the legs causing Mr. Duncan to fall to the ground.

5. Defendant Brown then called for more officers to come to the scene. Defendants Price, Rummel, Nash, Ford, and Amilcar arrived on the scene.

6. While Mr. Duncan was on the ground, Defendant Glen Ford, without lawful justification and against the will of Marion Duncan, intentionally struck Mr. Duncan in the head, face and body area.

7. The aforesaid force used by defendant Glen Ford was excessive and unreasonable under the circumstances.

8. As a direct and proximate result of foregoing unlawful physical contact used by defendant Glen Ford, Mr. Duncan suffered injuries to his body, including, but not limited to, facial lacerations, facial fractures, facial contusions, other head and neck injuries, and contusions to his body.

9. As a direct and proximate result of the foregoing unlawful physical contact used by defendant Glen Ford, plaintiff Duncan was unable to attend to his duties as electrician for Cherry Electric for a period of time, and sustained damages for loss of earnings during that time.

10. The acts, conduct, and behavior of defendant Glen Ford were performed intentionally, maliciously, and with reckless or callous disregard for the rights of plaintiff Duncan, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Marion Duncan, individually, hereby demands judgement against

Glen Ford, individually and in his official capacity as a police officer for the City of North Chicago, for compensatory and punitive damages in excess of \$50,000.00, together with the costs of this action and any other relief this court deems just and proper.

**COUNT XI - MARION DUNCAN V. BRIAN AMILCAR**

**(VIOLATION OF TITLE 42, SECTION 1983 OF THE UNITED STATES CODE)**

1. Plaintiff Marion Duncan is an African-American male, citizen of the United States of America and resident of the City of North Chicago, County of Lake, State of Illinois.
2. Defendant Brian Amilcar is now, and at all times material to this action was, a duly appointed, employed, and acting police officer of the City of North Chicago, a municipal corporation and governmental subdivision of the State of Illinois.
3. This action arises under the United States Constitution, particularly under the provisions of the Fourth, Sixth, and Fourteenth Amendments to the Constitution of the United States, and under federal law, particularly the Civil Rights Act, Title 42 of the United States Code, Section 1983.
4. Each and all of the acts of defendant Brian Amilcar alleged herein were done by defendant Brian Amilcar, not as an individual, but under the color and pretense of the Statutes, ordinances, regulations, customs, and usages of the State of Illinois, the County of Lake, and the City of North Chicago, and under authority of their office as police officers for the City of North Chicago.
5. On or about May 23, 1999, defendant Melvin Brown, in relation to his official duties as police officer for the City of North Chicago, performed a traffic stop on a vehicle

driven by plaintiff Marion Duncan on Grove street, in the City of North Chicago, Illinois.

6. Defendant Brown then approached Mr. Duncan while he was seated in his vehicle, asked him to get out of his vehicle, grabbed his body with his hands, and kicked him in the legs causing Mr. Duncan to fall to the ground.

7. Defendant Brown then called for more officers to come to the scene. Defendants Price, Rummel, Nash, Ford, and Amilcar arrived on the scene, and while Mr. Duncan was on the ground, he was repeatedly struck in the head, face and back area by Defendant Brian Amilcar and the other officers on the scene.

8. Mr. Duncan was then placed into handcuffs, taken into custody of the police, and transported to the North Chicago Police Department.

9. Neither defendant Amilcar nor the other officers ever informed Mr. Duncan why he was being detained.

10. Defendant Amilcar did not have an arrest warrant for Mr. Duncan, did not have probable cause or a reasonable suspicion to believe that Mr. Duncan had committed, was committing or was about to commit any crimes or traffic violations, and did not otherwise have probable cause to stop, detain, and arrest Mr. Duncan.

11. The aforesaid force used by Defendant Brian Amilcar was excessive and unreasonable under the circumstances.

12. As a direct and proximate result of the excessive and unreasonable force used by defendant Brian Amilcar, Mr. Duncan suffered injuries to his body, including, but not limited to, facial lacerations, facial fractures, facial contusions, other head and neck injuries, and contusions to his body.

13. As a direct and proximate result of the excessive and unreasonable force used by defendant Brian Amilcar, plaintiff Duncan was unable to attend to his duties as electrician for Cherry Electric for a period of time, and sustained damages for loss of earnings during that time.

14. The conduct of the defendant Brian Amilcar deprived plaintiff Duncan of the following rights, privileges, and immunities secured to him by the Constitution of the United States of America:

A. The right of plaintiff to be secure in his person and effects against unreasonable search and seizure under the Fourth and Fourteenth Amendments to the Constitution of the United States;

B. The right of Plaintiff to be informed of the nature and cause of the accusation against him, secured to him under the Sixth and Fourteenth Amendments to the Constitution of the United States, and;

C. The right of Plaintiff not to be deprived of life, liberty or property without Due Process of Law, and the right to the equal protection of laws, secured by the Fourteenth Amendment to the Constitution of the United States.

15. The acts, conduct, and behavior of defendant Brian Amilcar were performed intentionally, maliciously, and with reckless or callous disregard for the rights of plaintiff Duncan, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Marion Duncan, individually, hereby demands judgement against Brian Amilcar, individually and in his official capacity as a police officer for the City of North Chicago, for compensatory and punitive damages in excess of \$50,000.00, together with



the costs of this action and any other relief this court deems just and proper.

**COUNT XII - MARION DUNCAN V. BRIAN AMILCAR**

**(BATTERY)**

1. Plaintiff Marion Duncan is a resident of the City of North Chicago, County of Lake, State of Illinois.
2. Defendant Brian Amilcar is now, and at all times material to this action was, a duly appointed, employed, and acting police officer of the City of North Chicago, a municipal corporation and governmental subdivision of the State of Illinois.
3. On or about May 23, 1999, defendant Melvin Brown, acting in his official capacity as a patrol officer for the City of North Chicago, performed a traffic stop on a vehicle driven by plaintiff Marion Duncan on Grove street, in the City of North Chicago, Illinois.
4. Defendant Brown then approached Mr. Duncan while he was seated in his vehicle, asked him to get out of his vehicle, grabbed his body with his hands, and kicked him in the legs causing Mr. Duncan to fall to the ground.
5. Defendant Brown then called for more officers to come to the scene. Defendants Price, Rummel, Nash, Ford, and Amilcar arrived on the scene.
6. While Mr. Duncan was on the ground, Defendant Amilcar, without lawful justification and against the will of Marion Duncan, intentionally struck Mr. Duncan in the head, face and body area.
7. The aforesaid force used by defendant Brian Amilcar was excessive and unreasonable under the circumstances.

8. As a direct and proximate result of foregoing unlawful physical contact used by defendant Brian Amilcar, Mr. Duncan suffered injuries to his body, including, but not limited to, facial lacerations, facial fractures, facial contusions, other head and neck injuries, and contusions to his body.

9. As a direct and proximate result of the foregoing unlawful physical contact used by defendant Brian Amilcar, plaintiff Duncan was unable to attend to his duties as electrician for Cherry Electric for a period of time, and sustained damages for loss of earnings during that time.

10. The acts, conduct, and behavior of defendant Brian Amilcar were performed intentionally, maliciously, and with reckless or callous disregard for the rights of plaintiff Duncan, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Marion Duncan, individually, hereby demands judgement against Brian Amilcar, individually and in his official capacity as a police officer for the City of North Chicago, for compensatory and punitive damages in excess of \$50,000.00, together with the costs of this action and any other relief this court deems just and proper.

**COUNT XIII - MARION DUNCAN V. CITY OF NORTH CHICAGO**

**(VIOLATION OF TITLE 42, SECTION 1983 OF THE UNITED STATES CODE)**

1. Plaintiff Marion Duncan is an African-American male, citizen of the United States of America and resident of the City of North Chicago, County of Lake, State of Illinois.

2. Defendant City of North Chicago is now, and at all relevant times was, a municipal corporation and governmental subdivision of the State of Illinois.

3. This action arises under the United States Constitution, particularly under the provisions of the Fourth, Sixth, and Fourteenth Amendments to the Constitution of the United States, and under federal law, particularly the Civil Rights Act, Title 42 of the United States Code, Section 1983.

4. Each and all of the acts of defendant police officers alleged herein were done by defendant police officers, and each of them, not as individuals, but under the color and pretense of the Statutes, ordinances, regulations, customs, and usages of the State of Illinois, the County of Lake, and the City of North Chicago, and under authority of their office as police officers for the City of North Chicago.

5. On or about May 23, 1999, at approximately 10:15 p.m., plaintiff Marion Duncan was lawfully operating a 1988 red Buick Regal, traveling northbound on Grove street, in the City of North Chicago, Illinois.

6. At approximately the same date, time, and location, defendant Melvin Brown, pursuant to his regular and official employment as a patrol officer for the City of North Chicago, was operating a marked police vehicle owned and maintained by the City of North Chicago for the use and benefit of the North Chicago Police Department.

7. Defendant Brown then signaled plaintiff Duncan to stop his vehicle by activating his overhead lights, which plaintiff did in the 2000 block of Grove, in response to the evident authority of defendant Brown.

8. Plaintiff Duncan, after pulling his vehicle to the side of the road, began to exit his vehicle.

9. Defendant Brown, who at all times was wearing official uniform, insignia, and

badge of the North Chicago Police Department, commanded Mr. Duncan to return to his vehicle.

10. Plaintiff Duncan immediately complied with this request and sat in the front seat of his vehicle.

11. Defendant Brown then approached Mr. Duncan while he was seated in his vehicle, asked him to get out of his vehicle, grabbed his body with his hands, and kicked him in the legs causing Mr. Duncan to fall to the ground.

12. Defendant Brown then called for more officers to come to the scene. Defendants Price, Rummel, Nash, Ford, and Amilcar arrived on the scene, and while Mr. Duncan was on the ground, he was repeatedly struck in the head, face and back area by the North Chicago Police Officers on the scene.

13. Mr. Duncan was then placed into handcuffs, taken into custody of the police, and transported to the North Chicago Police Department.

14. Neither defendant Brown nor the other officers ever informed Mr. Duncan why he was being detained.

15. The North Chicago Police department did not have an arrest warrant for Mr. Duncan, did not have probable cause or a reasonable suspicion to believe that Mr. Duncan had committed, was committing or was about to commit any crimes or traffic violations, and did not otherwise have probable cause to stop, detain, and arrest Mr. Duncan.

16. The aforesaid force used by the defendant police officers was excessive and unreasonable under the circumstances.

17. As a direct and proximate result of the excessive and unreasonable force used by defendant police officers, Mr. Duncan suffered injuries to his body, including, but not limited to, facial lacerations, facial fractures, facial contusions, other head and neck injuries, and contusions to his body.

18. As a direct and proximate result of the excessive and unreasonable force used by defendant police officers, plaintiff Duncan was unable to attend to his duties as electrician for Cherry Electric for a period of time, and sustained damages for loss of earnings during that time.

19. The conduct of the defendant police officers deprived plaintiff Duncan of the following rights, privileges, and immunities secured to him by the Constitution of the United States of America:

A. The right of plaintiff to be secure in his person and effects against unreasonable search and seizure under the Fourth and Fourteenth Amendments to the Constitution of the United States;

B. The right of Plaintiff to be informed of the nature and cause of the accusation against him, secured to him under the Sixth and Fourteenth Amendments to the Constitution of the United States, and;

C. The right of Plaintiff not to be deprived of life, liberty or property without Due Process of Law, and the right to the equal protection of laws, secured by the Fourteenth Amendment to the Constitution of the United States.

20. At the time of this occurrence, it was the policy, custom and usage of the North Chicago Police Department and the City of North Chicago to use such excessive and

unreasonable force in situations involving detention and/or arrest of individuals.

21. At the time of this occurrence, Officers Brown, Price, Rummel, Nash, Ford, and Amilcar were acting under the authority of Elisha Irvin, Jr., Chief of Police of the North Chicago Police Department, and Chief Irvin at that time knew or should have known of the policy, custom, and usage of his officers using excessive and unreasonable force in arrest and detention situations.

22. The City of North Chicago, after becoming aware of the policy, custom, and usage of North Chicago police officers using excessive and unreasonable force in arrest and detention situations, failed to investigate instances of such conduct, failed to discipline officers engaged in such conduct, failed to adequately train its officers not to employ such methods in detaining and arresting individuals, and failed to implement policies sufficient to safeguard against such unconstitutional behavior in the future.

WHEREFORE, Marion Duncan, individually, hereby demands judgement against The City of North Chicago, a municipal corporation, for compensatory punitive damages in excess of \$50,000.00, together with the costs of this action and any other relief this court deems just and proper.

**COUNT XIV - MARION DUNCAN V. ELISHA IRVIN, JR.**

**(VIOLATION OF TITLE 42, SECTION 1983 OF THE UNITED STATES CODE)**

1. Plaintiff Marion Duncan is an African-American male, citizen of the United States of America and resident of the City of North Chicago, County of Lake, State of Illinois.

2. Defendant Elisha Irvin, Jr., is now, and at all relevant times was, the duly

appointed Chief of Police of the North Chicago Police Department.

3. The City of North Chicago is now, and at all relevant times was, a municipal corporation and governmental subdivision of the State of Illinois.

4. This action arises under the United States Constitution, particularly under the provisions of the Fourth, Sixth, and Fourteenth Amendments to the Constitution of the United States, and under federal law, particularly the Civil Rights Act, Title 42 of the United States Code, Section 1983.

5. Each and all of the acts of defendant police officers alleged herein were done by defendant police officers, and each of them, not as individuals, but under the color and pretense of the Statutes, ordinances, regulations, customs, and usages of the State of Illinois, the County of Lake, and the City of North Chicago, and under authority of their office as police officers for the City of North Chicago.

6. On or about May 23, 1999, at approximately 10:15 p.m., plaintiff Marion Duncan was lawfully operating a 1988 red Buick Regal, traveling northbound on Grove street, in the City of North Chicago, Illinois.

7. At approximately the same date, time, and location, defendant Melvin Brown, pursuant to his regular and official employment as a patrol officer for the City of North Chicago, was operating a marked police vehicle owned and maintained by the City of North Chicago for the use and benefit of the North Chicago Police Department.

8. Defendant Brown then signaled plaintiff Duncan to stop his vehicle by activating his overhead lights, which plaintiff did in the 2000 block of Grove, in response to the evident authority of defendant Brown.

9. Plaintiff Duncan, after pulling his vehicle to the side of the road, began to exit his vehicle.

10. Defendant Brown, who at all times was wearing official uniform, insignia, and badge of the North Chicago Police Department, commanded Mr. Duncan to return to his vehicle.

11. Plaintiff Duncan immediately complied with this request and sat in the front seat of his vehicle.

12. Defendant Brown then approached Mr. Duncan while he was seated in his vehicle, asked him to get out of his vehicle, grabbed his body with his hands, and kicked him in the legs causing Mr. Duncan to fall to the ground.

13. Defendant Brown then called for more officers to come to the scene. Defendants Price, Rummel, Nash, Ford, and Amilcar arrived on the scene, and while Mr. Duncan was on the ground, he was repeatedly struck in the head, face and back area by the North Chicago Police Officers on the scene.

14. Mr. Duncan was then placed into handcuffs, taken into custody of the police, and transported to the North Chicago Police Department.

15. Neither defendant Brown nor the other officers ever informed Mr. Duncan why he was being detained.

16. The North Chicago Police department did not have an arrest warrant for Mr. Duncan, did not have probable cause or a reasonable suspicion to believe that Mr. Duncan had committed, was committing or was about to commit any crimes or traffic violations, and did not otherwise have probable cause to stop, detain, and arrest Mr.



Duncan.

17. The aforesaid force used by the defendant police officers was excessive and unreasonable under the circumstances.

18. As a direct and proximate result of the excessive and unreasonable force used by defendant police officers, Mr. Duncan suffered injuries to his body, including, but not limited to, facial lacerations, facial fractures, facial contusions, other head and neck injuries, and contusions to his body.

19. As a direct and proximate result of the excessive and unreasonable force used by defendant police officers, plaintiff Duncan was unable to attend to his duties as electrician for Cherry Electric for a period of time, and sustained damages for loss of earnings during that time.

20. The conduct of the defendant police officers deprived plaintiff Duncan of the following rights, privileges, and immunities secured to him by the Constitution of the United States of America:

A. The right of plaintiff to be secure in his person and effects against unreasonable search<sup>1</sup> and seizure under the Fourth and Fourteenth Amendments to the Constitution of the United States;

B. The right of Plaintiff to be informed of the nature and cause of the accusation against him, secured to him under the Sixth and Fourteenth Amendments to the Constitution of the United States, and;

C. The right of Plaintiff not to be deprived of life, liberty or property without Due Process of Law, and the right to the equal protection of laws, secured by the

Fourteenth Amendment to the Constitution of the United States.

21. At the time of this occurrence, it was the policy, custom and usage of the North Chicago Police Department and the City of North Chicago to use such excessive and unreasonable force in situations involving detention and/or arrest of individuals.

22. At the time of this occurrence, Officers Brown, Price, Rummel, Nash, Ford, and Amilcar were acting under the authority of Elisha Irvin, Jr., Chief of Police of the North Chicago Police Department, and Chief Irvin at that time knew or should have known of the policy, custom, and usage of his officers using excessive and unreasonable force in arrest and detention situations.

23. Chief of Police Elisha Irvin, Jr., after becoming aware of the policy, custom, and usage of North Chicago police officers using excessive and unreasonable force in arrest and detention situations, failed to investigate instances of such conduct, failed to discipline officers engaged in such conduct, failed to adequately train its officers not to employ such methods in detaining and arresting individuals, and failed to implement policies sufficient to safeguard against such unconstitutional behavior in the future.

24. The acts, conduct, and behavior of the defendant police officers and Chief of Police Elisha Irvin, Jr. were performed intentionally, maliciously, and with reckless disregard for the rights of plaintiff Duncan, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Marion Duncan, individually, hereby demands judgement against Elisha Irvin Jr., individually and in his official capacity of Chief of Police for the North Chicago Police Department, for compensatory and punitive damages in excess of

\$50,000.00, together with the costs of this action and any other relief this court deems just and proper.

**COUNT XV - AARON WILLIAMS V. CASIMIR RINCON**

**(VIOLATION OF TITLE 42, SECTION 1983 OF THE UNITED STATES CODE)**

1. Plaintiff Aaron Williams is an African-American male, citizen of the United States of America and resident of the City of North Chicago, County of Lake, State of Illinois.
2. Defendant Casimir Rincon is now, and at all relevant times was, a duly appointed, employed, and acting police officer of the City of North Chicago, a municipal corporation and governmental subdivision of the State of Illinois.
3. This action arises under the United States Constitution, particularly under the provisions of the Fourth, Sixth, and Fourteenth Amendments to the Constitution of the United States, and under federal law, particularly the Civil Rights Act, Title 42 of the United States Code, Section 1983.
5. Each and all of the acts of defendant Casimir Rincon alleged herein were done by defendant Casimir Rincon, not as an individual, but under the color and pretense of the Statutes, ordinances, regulations, customs, and usages of the State of Illinois, the County of Lake, and the City of North Chicago, and under authority of their office as police officers for the City of North Chicago.
6. On or about February 24, 1999, at approximately 2:00 a.m., plaintiff Aaron Williams was lawfully operating a 1984 silver Toyota in the area of Kennedy Drive and Barrett Court in North Chicago, Illinois.

7. Plaintiff Williams pulled the vehicle into a parking lot off of Barrett Court and parked the vehicle in a parking space in that lot.

8. At approximately the same date, time and location, defendant Rincon, pursuant to his regular and official employment as a patrol officer for the City of North Chicago, was operating a marked police patrol vehicle owned and maintained by the City of North Chicago for the use and benefit of the North Chicago Police Department.

9. Officer Rincon pulled his vehicle in the vicinity of Plaintiff William's vehicle that was parked in the parking lot off of Barrett Court.

10. Plaintiff Williams got out of the car and proceeded on foot towards his residence, while Officers Rincon, Wade and Villasenor chased Mr. Williams on foot.

11. As Plaintiff Williams was running, Officer Rincon tackled Mr. Williams to the ground, and Officer Rincon, along with officers Gerard Wade and Villasenor, then struck Mr. Williams in the head, face, shoulder, and chest area

12. Mr. Williams was then placed into handcuffs, taken into custody of the police, and transported to the North Chicago Police Department.

13. Defendant Rincon never informed Mr. Williams why he was being pursued or detained.

14. Defendant Rincon did not have an arrest warrant for Mr. Williams, did not have probable cause or a reasonable suspicion to believe that Mr. Williams had committed, was committing, or was about to commit any crimes or traffic violations, and did not otherwise have probable cause to stop, detain, and arrest Mr. Williams.

15. The aforesaid force used by Officer Rincon was excessive and unreasonable

under the circumstances.

16. As a direct and proximate result of the excessive and unreasonable force used by defendant Rincon, Mr. Williams suffered injuries to his body, including, but not limited to, a fractured scapula, contusions and lacerations to his face, blunt head trauma, and contusions to his rib area.

17. The foregoing conduct of defendant Rincon deprived plaintiffs of the following rights, privileges, and immunities secured to him by the Constitution of the United States of America:

A. The right of plaintiff to be secure in his person and effects against unreasonable search and seizure under the Fourth and Fourteenth Amendments to the Constitution of the United States;

B. The right of Plaintiff to be informed of the nature and cause of the accusation against him, secured to him under the Sixth and Fourteenth Amendments to the Constitution of the United States, and;

C. The right of Plaintiff not to be deprived of life, liberty or property without Due Process of Law, and the right to the equal protection of laws, secured by the Fourteenth Amendment to the Constitution of the United States.

18. The acts, conduct, and behavior of defendant Casimir Rincon, were performed intentionally, maliciously, and with reckless or callous disregard for the rights of plaintiff Williams, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Aaron Williams, individually, hereby demands judgement against Casimir Rincon, individually and in his official capacity as a police officer for the City of

North Chicago, for compensatory and punitive damages in excess of \$50,000.00, together with the costs of this action and any other relief this Court deems just and proper.

**COUNT XVI - AARON WILLIAMS V. CASIMIR RINCON**

**(BATTERY)**

1. Plaintiff Aaron Williams is a resident of the City of North Chicago, County of Lake, State of Illinois.
2. Defendant Casimir Rincon is now, and at all times material to this action was, a duly appointed, employed, and acting police officer of the City of North Chicago, a municipal corporation and governmental subdivision of the State of Illinois.
3. On or about February 24, 1999, plaintiff Aaron Williams was lawfully operating a 1984 silver Toyota in the area of Kennedy Drive and Barrett Court in North Chicago, Illinois.
4. Plaintiff Williams pulled the vehicle into a parking lot off of Barrett Court and parked the vehicle in a parking space in that lot.
5. At approximately the same date, time and location, defendant Rincon, pursuant to his regular and official employment as a patrol officer for the City of North Chicago, was operating a marked police patrol vehicle owned and maintained by the City of North Chicago for the use and benefit of the North Chicago Police Department.
6. Officer Rincon pulled his vehicle in the vicinity of Plaintiff William's vehicle that was parked in the parking lot off of Barrett Court.
7. Plaintiff Williams got out of the car and proceeded on foot towards his residence,

while Officers Rincon, Wade and Villasenor chased Mr. Williams on foot.

8. As Plaintiff Williams was running, Officer Rincon, without lawful justification, and against the will of Aaron Williams, intentionally tackled Mr. Williams to the ground, and Officer Rincon, along with officers Gerard Wade and Villasenor, without lawful justification and against the will of Aaron Williams, intentionally struck Mr. Williams in the head, face, shoulder, and chest area.

9. The aforesaid force used by Officer Rincon was excessive and unreasonable under the circumstances.

10. As a direct and proximate result of the foregoing unlawful physical contact used by defendant Rincon, Mr. Williams suffered injuries to his body, including, but not limited to, a fractured scapula, contusions and lacerations to his face, blunt head trauma, and contusions to his rib area.

11. The acts, conduct, and behavior of defendant Casimir Rincon, were performed intentionally, maliciously, and with reckless or callous disregard of the rights of plaintiff Williams, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Aaron Williams, individually, hereby demands judgement against Casimir Rincon, individually and in his official capacity as a police officer for the City of North Chicago, for compensatory and punitive damages in excess of \$50,000.00, together with the costs of this action and any other relief this court deems just and proper.

**COUNT XVII - AARON WILLIAMS V. NAZARRIO VILLASENOR**

**(VIOLATION OF TITLE 42 SECTION 1983 OF THE UNITED STATES CODE)**

1. Plaintiff Aaron Williams is an African-American male, citizen of the United States of America and resident of the City of North Chicago, County of Lake, State of Illinois.
2. Defendant Nazzarion Villasenor is now, and at all relevant times was, a duly appointed, employed, and acting police officer of the City of North Chicago, a municipal corporation and governmental subdivision of the State of Illinois.
3. This action arises under the United States Constitution, particularly under the provisions of the Fourth, Sixth, and Fourteenth Amendments to the Constitution of the United States, and under federal law, particularly the Civil Rights Act, Title 42 of the United States Code, Section 1983.
4. Each and all of the acts of defendant Nazarrion Villasenor alleged herein were done by defendant Nazzarion Villasenor, not as an individual, but under the color and pretense of the Statutes, ordinances, regulations, customs, and usages of the State of Illinois, the County of Lake, and the City of North Chicago, and under authority of their office as police officers for the City of North Chicago.
5. On or about February 24, 1999, at approximately 2:00 a.m., plaintiff Aaron Williams was lawfully operating a 1984 silver Toyota in the area of Kennedy Drive and Barrett Court in North Chicago, Illinois.
6. Plaintiff Williams pulled the vehicle into a parking lot off of Barrett Court and parked the vehicle in a parking space in that lot.
7. At approximately the same date, time and location, defendant Villasenor,



pursuant to his regular and official employment as a patrol officer for the City of North Chicago, was operating a marked police patrol vehicle owned and maintained by the City of North Chicago for the use and benefit of the North Chicago Police Department.

8. Officer Villasenor pulled his vehicle in the vicinity of Plaintiff William's vehicle that was parked in the parking lot off of Barrett Court.

9. Plaintiff Williams got out of the car and proceeded on foot towards his residence, while Officers Rincon, Wade and Villasenor chased Mr. Williams on foot.

10. As Plaintiff Williams was running, Officer Rincon tackled Mr. Williams to the ground, and Officer Villasenor, along with officers Gerard Wade and Rincon, then struck Mr. Williams in the head, face, shoulder, and chest area.

11. Mr. Williams was then placed into handcuffs, taken into custody of the police, and transported to the North Chicago Police Department.

12. Defendant Villasenor never informed Mr. Williams why he was being pursued or detained.

13. Defendant Villasenor did not have an arrest warrant for Mr. Williams, did not have probable cause or a reasonable suspicion to believe that Mr. Williams had committed, was committing, or was about to commit any crimes or traffic violations, and did not otherwise have probable cause to stop, detain, and arrest Mr. Williams.

14. The aforesaid force used by Officer Villasenor was excessive and unreasonable under the circumstances.

15. As a direct and proximate result of the excessive and unreasonable force used by defendant Villasenor, Mr. Williams suffered injuries to his body, including, but not

limited to, a fractured scapula, contusions and lacerations to his face, blunt head trauma, and contusions to his rib area.

16. The foregoing conduct of defendant Villasenor deprived plaintiffs of the following rights, privileges, and immunities secured to him by the Constitution of the United States of America:

A. The right of plaintiff to be secure in his person and effects against unreasonable search and seizure under the Fourth and Fourteenth Amendments to the Constitution of the United States;

B. The right of Plaintiff to be informed of the nature and cause of the accusation against him, secured to him under the Sixth and Fourteenth Amendments to the Constitution of the United States, and;

C. The right of Plaintiff not to be deprived of life, liberty or property without Due Process of Law, and the right to the equal protection of laws, secured by the Fourteenth Amendment to the Constitution of the United States.

17. The acts, conduct, and behavior of defendant Villasenor were performed intentionally, maliciously, and with reckless or callous disregard for the rights of plaintiff Williams, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Aaron Williams, individually, hereby demands judgement against Nazzario Villasenor, individually and in his official capacity as a police officer for the City of North Chicago, for compensatory and punitive damages in excess of \$50,000.00, together with the costs of this action and any other relief this Court deems just and proper.

**COUNT XVIII - AARON WILLIAMS V. NAZZARIO VILLASENOR**

**(BATTERY)**

1. Plaintiff Aaron Williams is a resident of the City of North Chicago, County of Lake, State of Illinois.
2. Defendant Nazzario Villasenor is now, and at all times material to this action was, a duly appointed, employed, and acting police officer of the City of North Chicago, a municipal corporation and governmental subdivision of the State of Illinois.
3. On or about February 24, 1999, plaintiff Aaron Williams was lawfully operating a 1984 silver Toyota in the area of Kennedy Drive and Barrett Court in North Chicago, Illinois.
4. Plaintiff Williams pulled the vehicle into a parking lot off of Barrett Court and parked the vehicle in a parking space in that lot.
5. At approximately the same date, time and location, defendant Villasenor, pursuant to his regular and official employment as a patrol officer for the City of North Chicago, was operating a marked police patrol vehicle owned and maintained by the City of North Chicago for the use and benefit of the North Chicago Police Department.
6. Officer Villasenor pulled his vehicle in the vicinity of Plaintiff William's vehicle that was parked in the parking lot off of Barrett Court.
7. Plaintiff Williams got out of the car and proceeded on foot towards his residence, while Officers Rincon, Wade and Villasenor chased Mr. Williams on foot.
8. As Plaintiff Williams was running, Officer Rincon, tackled Mr. Williams to the ground, and Officer Villasenor, along with officers Gerard Wade and Rincon, without lawful

justification and against the will of Aaron Williams, intentionally struck Mr. Williams in the head, face, shoulder, and chest area.

9. The aforesaid force used by Officer Villasenor was excessive and unreasonable under the circumstances.

10. As a direct and proximate result of the foregoing unlawful physical contact used by defendant Villasenor, Mr. Williams suffered injuries to his body, including, but not limited to, a fractured scapula, contusions and lacerations to his face, blunt head trauma, and contusions to his rib area.

11. The acts, conduct, and behavior of defendant Villasenor were performed intentionally, maliciously, and with reckless or callous disregard for the rights of plaintiff Williams, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Aaron Williams, individually, hereby demands judgement against Nazzario Villasenor, individually and in his official capacity as a police officer for the City of North Chicago, for compensatory and puniitve damages in excess of \$50,000.00, together with the costs of this action and any other relief this court deems just and proper.

**XIX - AARON WILLIAMS V. GERARD WADE**

**(VIOLATION OF TITLE 42, SECTION 1983 OF THE UNITED STATES CODE)**

1. Plaintiff Aaron Williams is an African-American male, citizen of the United States of America and resident of the City of North Chicago, County of Lake, State of Illinois.

2. Defendant Gerard Wade is now, and at all relevant times was, a duly appointed,

employed, and acting police officer of the City of North Chicago, a municipal corporation and governmental subdivision of the State of Illinois.

3. This action arises under the United States Constitution, particularly under the provisions of the Fourth, Sixth, and Fourteenth Amendments to the Constitution of the United States, and under federal law, particularly the Civil Rights Act, Title 42 of the United States Code, Section 1983.

4. Each and all of the acts of defendant Gerard Wade alleged herein were done by defendant Gerard Wade, not as an individual, but under the color and pretense of the Statutes, ordinances, regulations, customs, and usages of the State of Illinois, the County of Lake, and the City of North Chicago, and under authority of their office as police officers for the City of North Chicago.

5. On or about February 24, 1999, at approximately 2:00 a.m., plaintiff Aaron Williams was lawfully operating a 1984 silver Toyota in the area of Kennedy Drive and Barrett Court in North Chicago, Illinois.

6. Plaintiff Williams pulled the vehicle into a parking lot off of Barrett Court and parked the vehicle in a parking space in that lot.

7. At approximately the same date, time and location, defendant Gerard Wade, pursuant to his regular and official employment as a patrol officer for the City of North Chicago, was operating a marked police patrol vehicle owned and maintained by the City of North Chicago for the use and benefit of the North Chicago Police Department.

8. Officer Wade pulled his vehicle in the vicinity of Plaintiff William's vehicle that was parked in the parking lot off of Barrett Court.

9. Plaintiff Williams got out of the car and proceeded on foot towards his residence, while Officers Rincon, Wade and Villasenor chased Mr. Williams on foot.

10. As Plaintiff Williams was running, Officer Rincon tackled Mr. Williams to the ground, and Officer Gerard Wade, along with officers Villasenor and Rincon, then struck Mr. Williams in the head, face, shoulder, and chest area.

11. Mr. Williams was then placed into handcuffs, taken into custody of the police, and transported to the North Chicago Police Department.

12. Defendant Gerard Wade never informed Mr. Williams why he was being pursued or detained.

13. Defendant Gerard Wade did not have an arrest warrant for Mr. Williams, did not have probable cause or a reasonable suspicion to believe that Mr. Williams had committed, was committing, or was about to commit any crimes or traffic violations, and did not otherwise have probable cause to stop, detain, and arrest Mr. Williams.

14. The aforesaid force used by Officer Gerard Wade was excessive and unreasonable under the circumstances.

15. As a direct and proximate result of the excessive and unreasonable force used by defendant Gerard Wade, Mr. Williams suffered injuries to his body, including, but not limited to, a fractured scapula, contusions and lacerations to his face, blunt head trauma, and contusions to his rib area.

16. The foregoing conduct of defendant Gerard Wade deprived plaintiffs of the following rights, privileges, and immunities secured to him by the Constitution of the United States of America:

A. The right of plaintiff to be secure in his person and effects against unreasonable search and seizure under the Fourth and Fourteenth Amendments to the Constitution of the United States;

B. The right of Plaintiff to be informed of the nature and cause of the accusation against him, secured to him under the Sixth and Fourteenth Amendments to the Constitution of the United States, and;

C. The right of Plaintiff not to be deprived of life, liberty or property without Due Process of Law, and the right to the equal protection of laws, secured by the Fourteenth Amendment to the Constitution of the United States.

17. The acts, conduct, and behavior of defendant Gerard Wade were performed intentionally, maliciously, and with reckless or callous disregard for the rights of plaintiff Williams, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Aaron Williams, individually, hereby demands judgement against Gerard Wade, individually and in his official capacity as a police officer for the City of North Chicago, for compensatory and punitive damages in excess of \$50,000.00, together with the costs of this ~~1~~ action and any other relief this Court deems just and proper.

**COUNT XX - AARON WILLIAMS V. GERARD WADE**

**(BATTERY)**

1. Plaintiff Aaron Williams is a resident of the City of North Chicago, County of Lake, State of Illinois.

2. Defendant Gerard Wade is now, and at all times material to this action was, a

duly appointed, employed, and acting police officer of the City of North Chicago, a municipal corporation and governmental subdivision of the State of Illinois.

3. On or about February 24, 1999, plaintiff Aaron Williams was lawfully operating a 1984 silver Toyota in the area of Kennedy Drive and Barrett Court in North Chicago, Illinois.

4. Plaintiff Williams pulled the vehicle into a parking lot off of Barrett Court and parked the vehicle in a parking space in that lot.

5. At approximately the same date, time and location, defendant Gerard Wade, pursuant to his regular and official employment as a patrol officer for the City of North Chicago, was operating a marked police patrol vehicle owned and maintained by the City of North Chicago for the use and benefit of the North Chicago Police Department.

6. Officer Gerard Wade pulled his vehicle in the vicinity of Plaintiff William's vehicle that was parked in the parking lot off of Barrett Court.

7. Plaintiff Williams got out of the car and proceeded on foot towards his residence, while Officers Rincon, Wade and Villasenor chased Mr. Williams on foot.

8. As Plaintiff Williams was running, Officer Rincon tackled Mr. Williams to the ground, and Officer Gerard Wade, along with officers Villasenor and Rincon, without lawful justification and against the will of Aaron Williams, intentionally struck Mr. Williams in the head, face, shoulder, and chest area.

9. The aforesaid force used by Officer Gerard Wade was excessive and unreasonable under the circumstances.

10. As a direct and proximate result of the foregoing unlawful physical contact used



by defendant Gerard Wade, Mr. Williams suffered injuries to his body, including, but not limited to, a fractured scapula, contusions and lacerations to his face, blunt head trauma, and contusions to his rib area.

11. The acts, conduct, and behavior of defendant Gerard Wade were performed intentionally, maliciously, and with reckless or callous disregard for the rights of plaintiff Williams, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Aaron Williams, individually, hereby demands judgement against Gerard Wade, individually and in his official capacity as a police officer for the City of North Chicago, for compensatory and punitive damages in excess of \$50,000.00, together with the costs of this action and any other relief this court deems just and proper.

**COUNT XXI - AARON WILLIAMS V. CITY OF NORTH CHICAGO**

**(VIOLATION OF TITLE 42, SECTION 1983 OF THE UNITED STATES CODE)**

1. Plaintiff Aaron Williams is an African-American male, citizen of the United States of America and resident of the City of North Chicago, County of Lake, State of Illinois.
2. Defendant City of North Chicago is now, and at all relevant times was, a municipal corporation and governmental subdivision of the State of Illinois.
3. This action arises under the United States Constitution, particularly under the provisions of the Fourth, Sixth, and Fourteenth Amendments to the Constitution of the United States, and under federal law, particularly the Civil Rights Act, Title 42 of the United States Code, Section 1983.
4. Each and all of the acts of defendant police officers alleged herein were done

by defendant police officers, and each of them, not as individuals, but under the color and pretense of the Statutes, ordinances, regulations, customs, and usages of the State of Illinois, the County of Lake, and the City of North Chicago, and under authority of their office as police officers for the City of North Chicago.

5. On or about February 24, 1999, at approximately 2:00 a.m., plaintiff Aaron Williams was lawfully operating a 1984 silver Toyota in the area of Kennedy Drive and Barrett Court in North Chicago, Illinois.

6. Plaintiff Williams pulled the vehicle into a parking lot off of Barrett Court and parked the vehicle in a parking space in that lot.

7. At approximately the same date, time and location, defendants Gerard Wade, Nazzario Villasenor, and Casimir Rincon, pursuant to their regular and official employment as a patrol officer for the City of North Chicago, were operating marked police patrol vehicles owned and maintained by the City of North Chicago for the use and benefit of the North Chicago Police Department.

8. Officers Wade, Rincon, and Villasenor pulled their vehicle in the vicinity of Plaintiff William's vehicle that was parked in the parking lot off of Barrett Court.

9. Plaintiff Williams got out of the car and proceeded on foot towards his residence, while Officers Rincon, Wade and Villasenor chased Mr. Williams on foot.

10. As Plaintiff Williams was running, Officer Rincon tackled Mr. Williams to the ground, and Officer Gerard Wade, along with officers Villasenor and Rincon, then struck Mr. Williams in the head, face, shoulder, and chest area.

11. Mr. Williams was then placed into handcuffs, taken into custody of the police,

and transported to the North Chicago Police Department.

12. Defendants Gerard Wade, Villasenor, and Rincon never informed Mr. Williams why he was being pursued or detained.

13. Defendants Gerard Wade, Villasenor, and Rincon did not have an arrest warrant for Mr. Williams, did not have probable cause or a reasonable suspicion to believe that Mr. Williams had committed, was committing, or was about to commit any crimes or traffic violations, and did not otherwise have probable cause to stop, detain, and arrest Mr. Williams.

14. The aforesaid force used by Officers Gerard Wade, Villasenor, and Rincon was excessive and unreasonable under the circumstances.

15. As a direct and proximate result of the excessive and unreasonable force used by defendants Gerard Wade, Villasenor, and Rincon, Mr. Williams suffered injuries to his body, including, but not limited to, a fractured scapula, contusions and lacerations to his face, blunt head trauma, and contusions to his rib area.

16. The foregoing conduct of defendants Gerard Wade, Villasenor, and Rincon deprived plaintiffs of the following rights, privileges, and immunities secured to him by the Constitution of the United States of America:

A. The right of plaintiff to be secure in his person and effects against unreasonable search and seizure under the Fourth and Fourteenth Amendments to the Constitution of the United States;

B. The right of Plaintiff to be informed of the nature and cause of the accusation against him, secured to him under the Sixth and Fourteenth Amendments to

the Constitution of the United States, and;

C. The right of Plaintiff not to be deprived of life, liberty or property without Due Process of Law, and the right to the equal protection of laws, secured by the Fourteenth Amendment to the Constitution of the United States.

17. At the time of this occurrence, it was the policy, custom and usage of the North Chicago Police Department and the City of North Chicago to use such excessive and unreasonable force in situations involving detention and/or arrest of individuals.

18. At the time of this occurrence, Officers Rincon, Wade and Villasenor were acting under the authority of Elisha Irvin, Chief of Police of the North Chicago Police Department, and Chief Irvin at that time knew or should have known of the policy, custom, and usage of his officers using excessive and unreasonable force in arrest and detention situations.

19. The City of North Chicago, after becoming aware of the policy, custom, and usage of North Chicago police officers using excessive and unreasonable force in arrest and detention situations, failed to investigate instances of such conduct, failed to discipline Officers engaged in such conduct, failed to adequately train its officers not to employ such methods in detaining and arresting individuals, and failed to implement policies sufficient to safeguard against such unconstitutional behavior in the future.

WHEREFORE, Aaron Williams, individually, hereby demands judgement against The City of North Chicago, a municipal corporation, for compensatory damages in excess of \$50,000.00, together with the costs of this action and any other relief this Court deems just and proper.

**COUNT XXIV - AARON WILLIAMS V. ELISHA IRVIN, JR.**

**(VIOLATION OF TITLE 42, SECTION 1983 OF THE UNITED STATES CODE)**

1. Plaintiff Aaron Williams is an African-American male, citizen of the United States of America and resident of the City of North Chicago, County of Lake, State of Illinois.
2. Defendant Elisha Irvin, Jr. is now, and at all relevant times was, the duly appointed Chief of Police of the North Chicago Police Department
3. The City of North Chicago is now, and at all relevant times was, a municipal corporation and governmental subdivision of the State of Illinois.
4. This action arises under the United States Constitution, particularly under the provisions of the Fourth, Sixth, and Fourteenth Amendments to the Constitution of the United States, and under federal law, particularly the Civil Rights Act, Title 42 of the United States Code, Section 1983.
5. Each and all of the acts of defendant police officers alleged herein were done by defendant police officers, and each of them, not as individuals, but under the color and pretense of the Statutes, ordinances, regulations, customs, and usages of the State of Illinois, the County of Lake, and the City of North Chicago, and under authority of their office as police officers for the City of North Chicago.
6. On or about February 24, 1999, at approximately 2:00 a.m., plaintiff Aaron Williams was lawfully operating a 1984 silver Toyota in the area of Kennedy Drive and Barrett Court in North Chicago, Illinois.
7. Plaintiff Williams pulled the vehicle into a parking lot off of Barrett Court and parked the vehicle in a parking space in that lot.

8. At approximately the same date, time and location, defendants Gerard Wade, Nazzario Villasenor, and Casimir Rincon, pursuant to their regular and official employment as a patrol officer for the City of North Chicago, were operating marked police patrol vehicles owned and maintained by the City of North Chicago for the use and benefit of the North Chicago Police Department.

9. Officers Wade, Rincon, and Villasenor pulled their vehicle in the vicinity of Plaintiff William's vehicle that was parked in the parking lot off of Barrett Court.

10. Plaintiff Williams got out of the car and proceeded on foot towards his residence, while Officers Rincon, Wade and Villasenor chased Mr. Williams on foot.

11. As Plaintiff Williams was running, Officer Rincon tackled Mr. Williams to the ground, and Officer Gerard Wade, along with officers Villasenor and Rincon, then struck Mr. Williams in the head, face, shoulder, and chest area.

12. Mr. Williams was then placed into handcuffs, taken into custody of the police, and transported to the North Chicago Police Department.

13. Defendants Gerard Wade, Villasenor, and Rincon never informed Mr. Williams why he was being pursued or detained.

14. Defendants Gerard Wade, Villasenor, and Rincon did not have an arrest warrant for Mr. Williams, did not have probable cause or a reasonable suspicion to believe that Mr. Williams had committed, was committing, or was about to commit any crimes or traffic violations, and did not otherwise have probable cause to stop, detain, and arrest Mr. Williams.

15. The aforesaid force used by Officers Gerard Wade, Villasenor, and Rincon was

excessive and unreasonable under the circumstances.

16. As a direct and proximate result of the excessive and unreasonable force used by defendants Gerard Wade, Villasenor, and Rincon, Mr. Williams suffered injuries to his body, including, but not limited to, a fractured scapula, contusions and lacerations to his face, blunt head trauma, and contusions to his rib area.

17. The foregoing conduct of defendants Gerard Wade, Villasenor, and Rincon deprived plaintiffs of the following rights, privileges, and immunities secured to him by the Constitution of the United States of America:

A. The right of plaintiff to be secure in his person and effects against unreasonable search and seizure under the Fourth and Fourteenth Amendments to the Constitution of the United States;

B. The right of Plaintiff to be informed of the nature and cause of the accusation against him, secured to him under the Sixth and Fourteenth Amendments to the Constitution of the United States, and;

C. The right of Plaintiff not to be deprived of life, liberty or property without Due Process of Law, and the right to the equal protection of laws, secured by the Fourteenth Amendment to the Constitution of the United States.

18. At the time of this occurrence, it was the policy, custom and usage of the North Chicago Police Department and the City of North Chicago to use such excessive and unreasonable force in situations involving detention and/or arrest of individuals.

19. At the time of this occurrence, Officers Rincon, Wade and Villasenor were acting under the authority of Elisha Irvin, Chief of Police of the North Chicago Police

Department, and Chief Irvin at that time knew or should have known of the policy, custom, and usage of his officers using excessive and unreasonable force in arrest and detention situations.

20. Chief of Police Elisha Irvin, Jr., after becoming aware of the policy, custom, and usage of North Chicago police officers using excessive and unreasonable force in arrest and detention situations, failed to investigate instances of such conduct, failed to discipline Officers engaged in such conduct, failed to adequately train its officers not to employ such methods in detaining and arresting individuals, and failed to implement policies sufficient to safeguard against such unconstitutional behavior in the future.

21. The acts, conduct, and behavior of defendant Elisha Irvin, Jr. and defendants Wade, Rincon, and Villasenor, were performed, intentionally, maliciously, and with reckless or callous disregard of the rights of plaintiff Williams, by reason of which plaintiff is entitled to an award of punitive damages.

WHEREFORE, Aaron Williams, individually, hereby demands judgement against Elisha Irvin, Jr., individually and as Chief of Police of the North Chicago Police Department, for compensatory and punitive damages in excess of \$50,000.00, together with the costs of this action and any other relief this Court deems just and proper.

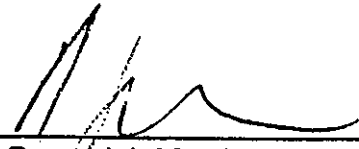


**PLAINTIFFS DEMAND TRIAL BY JURY**

Respectfully Submitted,

MORRISON & MORRISON, P.C.

By

  
\_\_\_\_\_  
Donald J. Morrison  
Attorney for Plaintiffs

MORRISON & MORRISON P.C.  
32 N. West Street  
Waukegan, Illinois 60085  
(847) 244-2660  
ARDC #6225680

JS 44  
(Rev. 11/95)**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

MARION DUNCAN AND  
AARON WILLIAMS

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF LAKE  
(EXCEPT IN U.S. PLAINTIFF CASES)

DONALD J. MORRISON JUDGE LEINENWEBER

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

DONALD MORRISON  
32 NORTH WEST STREET  
WAUKEGAN, IL 60085

MAGISTRATE JUDGE ROSEMOND

**DEFENDANTS**

CITY OF NORTH CHICAGO ET AL

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

STEVEN M. DUISIS  
ROBERT SHANNON  
NATHAN E. CULBERTSON  
222 N. LA SALLE #300  
CHICAGO, IL 60601

**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(For Diversity Cases Only)

- PTF DEF  
Citizen of This State ☒ 1 ☒ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐  
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐  
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐

**IV. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding  
☒ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**V. NATURE OF SUIT**

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 180 Other Contract <input type="checkbox"/> 185 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 680 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 780 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DRWC/DRWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 881 Agricultural Acts <input type="checkbox"/> 882 Economic Stabilization Act <input type="checkbox"/> 883 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 980 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 446 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 610 Motions to Vacate Sentence <input type="checkbox"/> 630 Habeas Corpus General <input type="checkbox"/> 635 Death Penalty <input type="checkbox"/> 640 Mandamus & Other <input type="checkbox"/> 650 Civil Rights			

**VI. CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

42 US SECTION 1983, EXCESSIVE FORCE IN VIOLATION OF 4TH AMENDMENT ALLEGATION

**II. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION  
☐ UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND:

☐ YES ☐ NO

**RELATED CASE(S) (See instructions): IF ANY**

JUDGE

DOCKET NUMBER

SIGNATURE OF ATTORNEY OF RECORD

4/13/00  
USE ONLY

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

COUNSEL FOR ONE OF THE DEFENDANTS

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF ILLINOIS**

00C 2293

In the Matter of

Marion Duncan and Aaron Williams,  
 Plaintiffs,

v.

The City of North Chicago, et al.,  
 Defendants.

Case Number:

(Circuit Court of the Nineteenth  
 Juicial Circuit, Lake County,  
 Illinois Case No. 00 L 110)

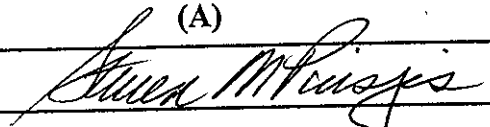
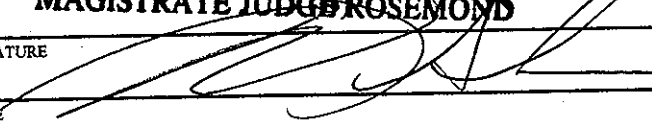
APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

THE CITY OF NORTH CHICAGO and ELISHA IRVIN, JR., Chief of Police

DOCKETED

APR 14 2000

JUDGE LEINENWEBER

(A)	MAGISTRATE JUDGE ROSEMOND
SIGNATURE 	SIGNATURE 
NAME STEVEN M. PUSZIS	NAME ROBERT T. SHANNON
FIRM HINSHAW & CULBERTSON	FIRM HINSHAW & CULBERTSON
STREET ADDRESS 222 North LaSalle Street, Suite 300	STREET ADDRESS 222 North LaSalle Street, Suite 300
CITY/STATE/ZIP Chicago, Illinois 60601-1081	CITY/STATE/ZIP Chicago, Illinois 60601-1081
TELEPHONE NUMBER (312) 704-3000	TELEPHONE NUMBER (312) 704-3000
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 03125700	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE) 06230254
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TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>
(C)	(D)
SIGNATURE	SIGNATURE
NAME	NAME
FIRM	FIRM
STREET ADDRESS	STREET ADDRESS
CITY/STATE/ZIP	CITY/STATE/ZIP
TELEPHONE NUMBER	TELEPHONE NUMBER
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>
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DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>